



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 16, 1998

Ms. Kristi A. Taylor
Assistant City Attorney
Neiman & Barnes, L.L.P.
P.O. Box 777
Lewisville, Texas 75067

OR98-2248

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118368.

The Lewisville Police Department (the "department"), which you represent, received an open records request for police records pertaining to an alleged assault. You state that the department has released to the requestor the front page of the offense report and all documents filed with the court in connection with the criminal charges. You contend that the remaining requested information is excepted from required public disclosure pursuant to sections 552.103 and 552.108 of the Government Code.¹

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" You state that the records at issue pertain to a pending criminal investigation and prosecution. Assuming such is still the case, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The department must release these types of information in accordance with *Houston Chronicle*

¹Because we resolve your request under section 552.108, we need not address your section 552.103 arguments.

Publishing Company v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JBD/RWP/nc

Ref.: ID# 118368

Enclosures: Submitted documents

cc: Ms. Martha J. Shelton
P.O. Box 522
Pilot Point, Texas 76258
(w/o enclosures)

²We note that these categories of information are not excepted from public disclosure by section 552.103 of the Government Code.